

UNITED STATES BANKRUPTCY COURT
For The Western District of Michigan

In Re:

LeMAR, LLC,

Case No. GL08-4341
Ch. 7

Debtor(s).

NOTICE TO PARTIES IN INTEREST OF HEARING

Notice is hereby given that a hearing will be held at the United States Bankruptcy Court, One Division North, Courtroom B, **Grand Rapids**, Michigan on **September 3, 2008 at 1:30 p.m.** to consider and act upon the following matter:

Trustee's Motion for Sale of Personal Property
Free and Clear of Liens Pursuant to 11 U.S.C. Section 363

DANIEL M. LAVILLE, CLERK OF COURT

/s/

Linda S. Lane, Deputy Clerk

Dated: August 1, 2008

A copy of this notice and motion served by court upon matrix via BNC

NOTICE IS HEREBY GIVEN THAT THE COURT MAY, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally scheduled hearing, information regarding the time, date and place of an orally continued or adjourned hearing may be accessed through the Bankruptcy Court's web site (www.miwb.uscourts.gov) provided the person has a PACER login and password, or by visiting the clerk's office of the United States Bankruptcy Court located at One Division Avenue, N.W., 2nd Floor, Grand Rapids MI 49503. Information about a PACER login and password may be obtained by either calling PACER service center between 8:00 a.m. and 5:00 p.m. Monday through Friday, CST at (800) 676-6856 or via its web site at <http://pacer.pcs.uscourts.gov>.



**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

IN THE MATTER OF:

LeMAR, LLC,

Debtor.

Case No.: 08-04341

Chapter 7 – Filed: 05/15/2008

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**MOTION FOR SALE OF PERSONAL PROPERTY
FREE AND CLEAR OF LIENS PURSUANT TO 11 U.S.C. §363**

NOW COMES Thomas A. Bruinsma, Trustee (“Trustee”), by and through his attorneys, Rayman & Stone, and for his Motion for Sale of Personal Property Free and Clear of Liens Pursuant to 11 U.S.C. §363 (“Motion”), says as follows:

1. That this Motion pertains to the above-captioned Chapter 7 proceeding which was filed on May 15, 2008.
2. That your Trustee is the duly appointed and acting Trustee in this cause.
3. That the Trustee has received an offer to purchase the Debtor’s equipment, inventory, fixtures and furnishings (“Personal Property”) located at Riley Plaza.
4. That the Trustee has received an offer for the Personal Property from one Dirkse Capital Management, LLC (“Buyer”), the Debtor’s previous landlord.
5. That, generally, the offer provides:
 - a. The Buyer shall pay the estate the sum of Five Thousand and 00/100 Dollars (\$5,000.00) in cash for the Personal Property;
 - b. The sale is “**As is, Where is**”, with the Buyer not assuming any of the estate’s liabilities;
 - c. That access, for other potential bidders, shall be provided by the Buyer, which is currently in possession of the business premises previously occupied by the Debtor; and

- d. Bidding shall be in increments of One Thousand and 00/100 (\$1,000.00) or more with the opening bid being Six Thousand and 00/100 Dollars (\$6,000.00).

6. That the sale shall be subject to competitive bidding at a Court auction to be held at the United States Bankruptcy Court for the Western District of Michigan, One Division Avenue, North, Courtroom B, Grand Rapids, Michigan 49503.

7. That any other bidder(s) shall be required to express their interests in writing to the Trustee, c/o Rayman & Stone, 141 E. Michigan Avenue, Suite 301, Kalamazoo, Michigan 49007, at least two (2) days prior to the date scheduled for the Court auction.

8. That the sale shall be deemed free and clear of liens pursuant to 11 U.S.C. §363(f) with the successful bidder taking free and clear of any encumbrances with such liens and encumbrances attaching to sale proceeds in the same rank, validity and priority as existed as of the date of the Petition.

9. That the closing on any sale shall be within ten (10) days of the entry an Order approving the sale.

10. That the Personal Property shall be sold **“As is, Where is”**, without representation or warranty, expressed or implied, of any kind or nature, or description, including, without limitation, any warranty of marketability, usability or fitness for any purpose. The Trustee shall not be required to inspect, test or report on the condition of the Personal Property, the operability of any system(s) contained therein or the existence of any defects of any kind, including, environmental defects, as to the Personal Property.

11. That the Personal Property shall be sold free and clear of all liens, encumbrances and/or claims therein, with said liens, encumbrances and/or claims attaching to the sale proceeds, in the same order, rank, validity and priority as existed as of the date of the Petition on said Personal Property, subject to the provisions of this paragraph, above. Any and all

liens, claims, and encumbrances shall be discharged by the entry of an Order approving this Motion.

12. That the Trustee believes that the sale of the Personal Property, pursuant to the terms herein, is in the best interest of the estate and its creditors.

WHEREFORE, your Trustee prays:

1. That this Court enter an Order granting this Motion; and
2. That this Court allow a Court auction to be held at a time and place delineated by it.

RAYMAN & STONE

Attorneys for Thomas A. Bruinsma, Trustee

Dated: July 29, 2008

By: _____/s/_____
Steven L. Rayman (P30882)

BUSINESS ADDRESS:

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Kalamazoo, MI 49007

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